

REMARKS

Claims 1-12 and 14-19 have been cancelled without prejudice. Claim 13 has been amended.

The Examiner has objected to the application as lacking an oath and required applicants to submit a new oath or declaration which properly identifies the application of which it is to form a part. Applicants have submitted herewith a copy of the Combined Declaration and Power of Attorney For Patent Application filed in the application on October 11, 2001 in response to the "Notice to File Missing Parts of Nonprovisional Application." (see copy of "Return Card" stamped by the mailroom of the USPTO confirming receipt of same). The Combined Declaration and Power of Attorney identifies the present application by application number and filing date. Applicants believe that the application is in compliance with MPEP §§ 602.01 and 602.02, and it is respectfully requested that the Examiner's objection be withdrawn.

The Examiner has rejected applicants' claims 14-16 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner has also rejected applicants' claims 1-19 under 35 U.S.C. §102(e) as being unpatentable over the Yamada (US 6,336,100) patent. Applicants have cancelled applicants' claims 1-12 and 14-19, thereby obviating the Examiner's rejections with respect to these claims. Applicants have amended applicants' independent claim 13, and with respect to this claim, as amended, the Examiner's rejections are respectfully traversed.

Applicants' independent claim 13 has been amended to better define applicants' invention. More particularly, amended claim 13 now recites a network system in which a user apparatus, a company apparatus and a recycling center apparatus are interconnected through a network, wherein the user apparatus comprises request designating means for designating

request for picking-up including a method of paying a charge for picking-up a secondhand item, place designating means for designating a place where the picking-up of the secondhand item is performed, and communication means for notifying the request content, designated by the request designating means, including the method of paying the charge for picking-up of the secondhand item and the place designated by the place designating means to the company apparatus through the network; the company apparatus comprises input means for inputting the request content including the method of paying the charge for picking-up of the secondhand item and the place the picking-up of the secondhand item is performed from the user apparatus through the network, output means for outputting information regarding a pick-up date of the secondhand item to the user apparatus through the network to inform a requester of the pick-up date of the secondhand item, completion information acquiring means for acquiring information regarding completion of the picking-up of the secondhand item from the recycling center apparatus through the network, and payment processing means for executing a payment process based on the method of paying the charge for the picking-up of the secondhand item input by the input means, in response to the notification of the completion information acquired from the completion information acquiring means; and the recycling center apparatus comprises notifying means for informing the company apparatus of the information regarding the completion of the pick-up of the secondhand item after the completion of the picking-up of the secondhand item.

The construction recited in applicants' amended independent claim 13 is not taught or suggested by the cited art of record. More particularly, the Examiner has argued that the Yamada patent teaches an apparatus in which a first, a second and a third network apparatuses are interconnected through a network, wherein: said first network apparatus comprises request

designating means for designating request for purchasing a new item or pick-up item to be recycled (see at least Abstract, Col 1, lines 23-45 and Figures 1 and 2); place designating means for designating a place where said purchasing or picking up is performed (see at least Col 1, lines 39-45); and communication means for notifying the request information designated by said request designating means and the place designated by said place designating means to said second network apparatus through said network (see at least Col 3, lines 1-5 and Figure 1); said second network apparatus comprises input means for inputting request information regarding the request for purchasing a new item or picking up an item and place information regarding a place where said purchasing or picking-up is performed from said first network apparatus through said network (see at least Col 3, lines 6-19); output means for outputting a purchasing date of a pick-up date to said first network apparatus through said network to inform a requester of the purchasing date or the pick-up date (see at least Col 3, lines 44-48); and completion information acquiring means for acquiring information regarding completion of said pick-up from said third network apparatus through said network (Col 3, lines 55-65); and said third network apparatus comprises notifying means for informing said second network apparatus of the information regarding the completion of said pick-up after said completion (see at least Col 3, lines 32-54 and Figure 1).

In reviewing the above and the other passages of the Yamada patent, the patent teaches an online shopping system which comprises a server with a shopping mall including a plurality of virtual stores, a customer terminal, a retailer terminal, a merchandise management center, a home deliverer and a convenience store. The online shopping system of the Yamada patent allows a user to place an order for a commodity using a customer terminal and to designate where this commodity should be delivered, i.e. customer's residence, designated place, nearby

convenience store, etc. Col. 1, lines 32-44. The ordered commodity is delivered by the manufacturer or wholesaler to the retailer who passes it to the home deliverers which results in the commodity being delivered to the designated place. Col. 3, lines 19-36.

The Yamada patent, thus, teaches delivery of a new item from a manufacturer or retailer to a place designated by a user. There is, therefore, no teaching or suggestion of a system including a recycling center and the picking up of a secondhand item from the recycling center.

Moreover, the Yamada patent mentions nothing about paying for the ordered commodity other than “the online shopping service provider records member discriminating information that discriminates account settlement systems and members (customers 3) under the online shopping system from each other.” Col 2, lines 57-61. Thus, there is no teaching or suggestion in the patent of a designating request for picking-up including a method of paying a charge for picking-up a secondhand item.

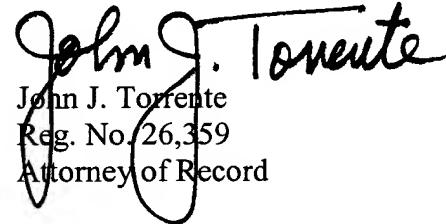
Nor is there any teaching or suggestion of a payment “processing means for executing a payment process based on the method of paying the charge for the picking-up of the secondhand item input by the input means in response to the notification of the completion information acquired from the completion information acquiring means.” As previously stated, while the Yamada patent discloses that the customer buys the commodity, the Yamada patent, however, is completely silent as to processing or executing any payment method for such commodity

Applicants’ amended independent claim 13, which recites the above features, thus patently distinguishes over the Yamada patent.

In view of the above, it is submitted that applicants' independent claim 13, as amended, patently distinguishes over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: December 14, 2004

Respectfully submitted,


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